

*U.S. Serial No. 09/899,326  
Attorney Docket No. 82464RLO*

### **REMARKS**

Claim 1 stands rejected under 35 USC 103(a) as being unpatentable over Stokes in view of Beretta. Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Stokes in view of Shalit and Beretta. Claim 5 stands rejected under 35 USC 103(a) as being unpatentable over Stokes in view of Shalit, Beretta and Gilman. Claims 6-12 have been added.

Applicants would like to thank the examiner for the interview granted to applicant's attorney, Marc A. Rossi, on May 9, 2006. The examiner agreed that the amendment proposed by applicants' attorney was sufficient to overcome the current rejection of the claims, but that further search and consideration would be required prior to issuance. Applicants hereby amend claims 1 and 4 in accordance with the proposed amendment approved by the examiner.

The present invention permits a user to have the opportunity to select the best possible print for exposure and tone scale in the opinion of the user of a printer. A plurality of exposure and tone scale converting transforms are utilized to print a plurality of images corresponding to the digital image on which the transforms were applied. The user then gets to select the particular transform to be used to make an actual final print.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being obvious in view of Stokes and Beretta. The examiner states that Stokes does not expressly provide a plurality of exposure correcting transforms which correct exposure for the captured digital image. Beretta is cited to show the iterative use of exposure and tone scale correcting transforms could be incorporated into the system of Stokes. Applicants submit that such a combination cannot yield the claimed invention.

Stokes operates in a fundamentally different way than the claimed invention. In Stokes, a series of test images are used to derive psychophysical data. Based upon this data, a mean tone scale reproduction curve is statistically derived. The statistically derived curve is then embedded into the imaging device, for example a printer or display, such that the user of the device has no choice in the ultimate selection of the transform. Instead, test images are supplied to a group of observers, each of which subjectively judges the test images. The data generated by the observers is used to generate the statistically acceptable curve to be embedded in the imaging device. However, every user has their own

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preferences. Accordingly, the statistically acceptable curve may not be the best curve for a particular user.

In contrast, as discussed above, the user in accordance with the claimed method gets to define which of the presented images represents the best transform to be used to make a final print. The imaging device is not embedded with one curve, but instead, the user is allowed to select which curve is to the user's own particular liking. Thus, while Stokes provides a single embedded transform to produce an image that is a compromise of all of the observers comments, the present invention allows the user to select from a plurality of possible transforms to produce the final image.

Applicants note that Stokes does discuss the possibility of storing two tone reproduction curves, however, both of these curves are still selected based on the psychophysical data. Accordingly, while the user can print two sets of images, one set corresponding to the curve representing a 95% tolerance limit for all sample images and a second set outside the tolerance limit, the user is still not permitted to select the most visually appealing result from all possible transforms. In contrast, in the claimed invention, the user determines from the printed plurality of transform images the most satisfying printed transform image to user which corresponds to a particular transform from all of the plurality of transforms used to create the transform images.

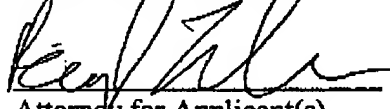
None of the secondary references cited by the examiner overcomes the deficiencies of Stokes. Accordingly, the combination proposed by the examiner, even if proper, cannot form the basis for finding the claims *prima facie* obvious under 35 U.S.C. §103.

New claims 6-12 have been added to further claim the features of the disclosed invention. None of the references of record taken single or in combination disclose or suggest the features found in claim 6-12.

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Accordingly, this application is believed to be in condition for allowance,  
the notice of which is respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.